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May 22, 2018

The Honorable Denise L. Cote
Daniel Patrick Moynihan
United State Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Re: 1:18-cv-01592-DLC, Plaintiff's Letter Motion for Extension of Time Within Which to Effectuate Service on John Doe Defendant

Dear Judge Cote:

Fox Rothschild, LLP represents Plaintiff in the above captioned matter. Plaintiff respectfully requests an order extending the time within which Plaintiff has to serve Defendant with a summons and Complaint.

On February 21, 2018, Plaintiff filed the instant case against John Doe, subscriber assigned IP address 74.71.18.200, alleging Defendant infringed thirty-seven of Plaintiff's works through the BitTorrent protocol. [Dkt. No. 1]. Because Defendant is only known to Plaintiff by Defendant's IP address, on March 27, 2018, Plaintiff filed a Motion for Leave to Serve a Third Party Subpoena Prior to a Rule 26(f) Conference in order to serve a third party subpoena on Defendant's ISP. [Dkt. No. 8]. On March 28, 2018, Plaintiff was granted leave to serve a third party subpoena on Defendant's ISP to obtain Defendant's identifying information [Dkt. No. 10].

Plaintiff initially prepared the subpoena on April 5, 2018 with an incorrect return date of May 17, 2018. Plaintiff promptly caught its error and corrected the subpoena prior to its service upon the ISP. On April 9, 2018, Plaintiff served the corrected subpoena on the ISP and expects to receive the ISP's response on or about July 18, 2018.

Pursuant to Fed. R. Civ. P Rule 4(m), Plaintiff is required to effectuate service on the Defendant by no later than May 22, 2018. Because the ISP is not expected to respond until July

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18, 2018 and Defendant's identity is currently unknown to Plaintiff, Plaintiff is unable to comply with the current service deadline.

This is Plaintiff's first request for an extension of time with which to effectuate service of process.

For the foregoing reasons, Plaintiff respectfully requests that the time within which it must effectuate service of a summons and Complaint on the John Doe Defendant be extended an additional sixty (60) days from July 18, 2018 (the date Plaintiff expects to receive the ISP response) and thus the deadline to effect service be extended to September 16, 2018.

Respectfully Submitted,

By: /s/ Shireen Nasir

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